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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/622,248   | 07/18/2003  | Steven Contarino     | 13747/62043         | 3282             |
| 26869  | 7590        | 06/15/2004           | EXAMINER            |                  |
| DEVINE, MILLIMET & BRANCH, P.A.<br>111 AMHERST STREET<br>BOX 719<br>MANCHESTER, NH 03105 |             |                      | TSO, LAURA K        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2875                |                  |

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/622,248             | CONTARINO, STEVEN   |  |
|                              | Examiner<br>Laura Tso  | Art Unit<br>2875    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8 and 9 is/are rejected.
- 7) Claim(s) 7 and 10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION*****Specification***

The disclosure should be carefully reviewed to ensure that any and all grammatical, idiomatic, and spelling or other minor errors are corrected.

Please conform the spelling of grill to that of the prior art.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Sullivan (5,373,426).

O'Sullivan discloses a vehicular lighting system comprising a grill [18] and a light fixture [12] integrated with and unobstructed by the grill.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan (5,373,426).

O'Sullivan does not disclose the light fixture is a strobe light, a halogen light or an LED. However, in the automotive lighting art it is well known to form automotive lights from strobe lights, halogen lights and LEDs depending on the use. Strobe lights are well known in emergency vehicles and easily attract the attention of other drivers. Halogen lights are extremely bright and LEDs are long lasting and inexpensive. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use either strobe lights, halogen lights or LEDs in the device of Sullivan depending on the intending use of the device.

O'Sullivan does not disclose the grill is substantially made of plastic. It is well known in the art to form an automobile grill from plastic as plastic is inexpensive, light weight and can be easily coated. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the grill of O'Sullivan from a plastic material since it may be easily formed and inexpensive. It has been held to be within the general skill of a worker in the

art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

O'Sullivan does not disclose that the light fixture and the grill may be formed and sold as a single piece. However, forming the piece integrally would prevent the light fixture from loosening and falling off the grill, preventing it from becoming a projectile during a crash. Also, an integral design would allow the grill and fixture to be designed as a whole creating a more unified appearance. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the grill and fixture of O'Sullivan integrally to create a better design and a safer product.

#### ***Allowable Subject Matter***

Claims 7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to show or suggest a vehicle lighting system comprising a grill and at least one light fixture integrated with and unobstructed by the grill wherein the front of the fixture is substantially flush with the front of the grill.

Prior art fails to show or suggest a vehicle lighting system comprising a grill base having at least one unobstructed light fixture socket wherein the socket is formed in a 3 inch by 7 inch opening in the grill base.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to laura tso whose telephone number is 571-272-2385. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, sandra o'shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Laura Tso  
Primary Examiner  
Art Unit 2875